

Office of the Secretary of Defense

§ 185.5

(1) To save human life and mitigate human suffering, and to protect essential U.S. Government capabilities, including:

- (i) Continuity of the U.S. Government.
 - (ii) Protection of U.S. Government officials.
 - (iii) Prevention of loss or destruction to Federal property.
 - (iv) Restoration of essential Federal functions.
- (2) To preserve or restore services of State and local government.

§ 185.5 Responsibilities.

(a) The *Under Secretary of Defense For Policy* shall:

(1) Exercise policy oversight of MSCA for the Secretary of Defense, and ensure compatibility of MSCA with National Security Emergency Preparedness, in accordance with DoD Directive 3020.36¹³ and E.O. 12656.

(2) Coordinate DoD policy governing plans and operations with FEMA; and assist the DoD Executive Agent, the Chairman of the Joint Chiefs of Staff, and others, as appropriate, in their coordination with FEMA.

(b) The *Assistant Secretary of Defense For Health Affairs* shall coordinate policy for emergency medical support to civil authorities in consonance with this part, to include participation by the Department of Defense in the National Disaster Medical System (NDMS).

(c) The *Assistant Secretary of Defense (Reserve Affairs)* shall advise the DoD Executive Agent, the Chairman of the Joint Chiefs of Staff, the USD(P), and the Secretaries of the Military Departments, as required, on Reserve component matters impacting on MSCA.

(d) The *Comptroller of the Department of Defense* shall:

(1) Facilitate accounting procedures that will enable the Department of Defense to respond on a timely basis to all emergency requirements for MSCA; and

(2) In conjunction with the DoD Executive Agent, provide for accounting and other procedures necessary to manage expenditures for MSCA from the Defense Emergency Response Fund.

(e) The *Chairman of the Joint Chiefs of Staff* shall:

(1) Advise the Secretary of Defense and the DoD Executive Agent on policies, responsibilities, and programs bearing on MSCA.

(2) In coordination with the DoD Executive Agent, facilitate communications by the DoD Executive Agent with commanders, as appropriate.

(3) Ensure the compatibility of MSCA plans with other military plans.

(4) Facilitate CINCFOR's development of an MSCA data base and emergency reporting system, as described in paragraph (j) of this section.

(5) Facilitate coordinated evaluation of MSCA plans and capabilities by the Commanders of the Unified and Specified Commands through exercises or other means, as appropriate.

(f) The *Secretaries of the Military Departments* shall:

(1) Provide for participation by the Military Services in MSCA planning, in accordance with this part and with guidance of the DoD Executive Agent; and ensure readiness of Active and Reserve components to execute plans for MSCA.

(2) Ensure the designation of a principal planning agent and regional planning agents of MSCA for each Military Service, and advise the DoD Executive Agent and the Chairman of the Joint Chiefs of Staff of such agents.

(3) Ensure effective and efficient coordination of MSCA planning by Service installations with Federal Regions, STARC's, and State and local civil authorities, through the DoD Planning Agents, as directed by the DoD Executive Agent.

(4) Furnish available resources for MSCA when directed by the DoD Executive Agent.

(5) Identify to the DoD Executive Agent the resources of their respective Military Services that are potentially available for MSCA within the parameters of the DoD Resources Data Base (DODRDB) for MSCA, which is described in paragraph (n) of this section. Facilitate use of that data base to support decentralized management of MSCA in time of emergency, as appropriate.

¹³ See footnote 4 to § 185.1(f).

(6) Prepare to support civil requests for damage and residual capability assessment following civil emergencies or attacks, to include providing aerial reconnaissance as appropriate.

(7) Provide Military Department representatives to serve on RMEC teams, as requested by the DoD Executive Agent.

(8) Based on validated military planning and operational requirements, assign individual Reservists from Military Services to FEMA and other appropriate civil government offices and headquarters to provide liaison for planning and emergency operations for MSCA. (See enclosure 3 in DoD Directive 1215.6.)

(9) Provide available Military Service personnel for MSCA training, including courses conducted by CINCFOR and FEMA.

(10) Provide for application of critical emergency capabilities of the Services (such as disposal of explosive ordnance and nuclear devices) for MSCA, as required.

(g) In addition to the responsibilities assigned under paragraph (f) of this section, the *Secretary of the Army*, as DoD Executive Agent, shall:

(1) Coordinate with the Chairman of the Joint Chiefs of Staff, in advance, for the employment of forces assigned to the Unified and Specified Commands in MSCA missions.

(2) Establish a single headquarters element (to be denominated the “Directorate of Military Support (DOMS)”) under the Secretary of the Army, through which the Secretary of the Army issues orders necessary to perform the duties of the DoD Executive Agent under this part. The Secretary of the Army shall ensure that the staff element includes specially qualified and trained officers of all Military Services, including those at senior levels within the element.

(3) Manage expenditures for MSCA from the Defense Emergency Response Fund. (See § 185.4(d)(8).)

(4) Direct and coordinate the development of both generic and incident-specific plans for MSCA through the DoD Planning Agents designated in § 185.4(c)(3), and through the DoD Components, as appropriate.

(5) Establish appropriate guidance, through the National Guard Bureau, for the Adjutants General of the 50 States, District of Columbia, Guam, Puerto Rico, and the Virgin Islands to ensure compliance by the Army National Guard with this part. Such guidance shall provide for the following, as appropriate:

(i) Resourcing the STARCs for MSCA planning and response tasks.

(ii) STARC interfaces with commands and installations of all Services, including the DoD Planning Agents, and with State civil agencies.

(iii) STARC acceptance, support, and utilization of liaison and augmentation from all Military Services, as appropriate.

(6) Provide for the manning and operation of RMEC teams to coordinate the interface between the Defense Components and all Federal regional emergency management structures established by FEMA that may affect MSCA.

(7) Provide for effective utilization in MSCA planning of the U.S. Army Corps of Engineers, the Naval Construction Force, and the U.S. Air Force Civil Engineers, to include all civil works authorities and other unique civil emergency capabilities, as permitted by law.

(8) Delegate as appropriate authority under this part to the DoD Planning Agents, to Defense Coordinating Officers (DCOs) appointed for response to civil emergencies under the Stafford Act, as amended, or to other DoD officials to accomplish any requirement for MSCA planning or operations under this part.

(9) Provide guidance to CINCFOR for content, dissemination, and use of the DODRDB for MSCA, which is described in paragraph (j) of this section and ensure opportunity for input by the Chairman of the Joint Chiefs of Staff in the continuing development of that data base.

(10) Maintain national-level liaison with FEMA for MSCA.

(11) Provide Army Reserve support to FEMA, on a reimbursable basis, for emergency communications, security operations, and associated management support, at the Federal Regions, as determined by agreement between

FEMA and the DoD Executive Agent; and ensure the availability of such support during any time of war or national mobilization.

(12) Provide full-time Army personnel, as required, to manage the Military Support Liaison Office established by agreement between the Secretary of Defense and the Director of FEMA. Utilize that office to facilitate requirements and communications of the DoD Executive Agent under this part.

(13) Develop training courses for MSCA, including specialized training for Reserve component emergency preparedness liaison officers of all Military Services who will work with civilian communities and agencies as authorized for MSCA missions.

(14) Provide authorizations to DoD Components to perform emergency work under Section 403(c) of the Stafford Act, as amended. That statute provides that, when authorized by the President at the request of a State Governor, under certain conditions, the Department of Defense may perform on public or private lands emergency work that is essential for the preservation of life or property. Emergency work by the Department of Defense under that provision may be carried out only for a period not to exceed 10 days, and is only 75 percent funded by Federal funds.

(h) In addition to the responsibilities assigned under paragraph (f) of this section, the Secretary of the Navy shall:

(1) Maintain liaison and coordinate planning with the Department of Transportation for participation by USCG forces in MSCA.

(2) Furnish technical advice and support for MSCA planning and implementation in areas that are uniquely within the competence of the Navy, Marine Corps, or USCG (e.g., nuclear material disposal for coastal and maritime areas, and emergency protection or restoration of seaport capabilities).

(i) In addition to the responsibilities assigned under paragraph (f) of this section, the Secretary of the Air Force shall:

(1) Establish appropriate guidance, through the National Guard Bureau, for the Adjutants General of the 50

States, District of Columbia, Guam, Puerto Rico, and the Virgin Islands to ensure compliance by the Air National Guard with this part.

(2) Facilitate planning by the Civil Air Patrol for participation in MSCA.

(3) Furnish technical advice and support for MSCA planning and implementation in areas that are uniquely within the competence of the Air Force and its wartime augmentation elements (e.g., coordination with the Federal Aviation Administration, the National Aeronautics and Space Administration, and the National Oceanic and Atmospheric Administration).

(4) Facilitate the conduct and coordination of aerial reconnaissance missions to perform damage assessment in support of MSCA.

(j) In addition to serving as a DoD Planning Agent under paragraph (k) of this section, the Commander in Chief, Forces Command (CINCFOR), subject to the direction of the DoD Executive Agent, shall:

(1) Maintain liaison with FEMA to facilitate cooperative civil and military planning and training for MSCA.

(2) Lead DoD liaison with FEMA and other Federal Agencies at the Federal Regions, including utilization of the RMEC Teams.

(3) Continue to develop, maintain, and disseminate the DODRDB.

(i) The DODRDB shall support MSCA planning for civil emergencies or attacks, as well as post-disaster and post-attack damage and residual capability assessment by field elements of the DoD Components. It shall include essential information on resources routinely held by the DoD Components and directly applicable to lifesaving, survival, and immediate recovery aspects of MSCA.

(ii) Forces to be included in the DODRDB are those that are based in the United States and its territories and most capable of supporting civil emergency functions. Those forces include (but are not limited to) construction, airlift, medical, signal, transportation, and military police elements, and training base forces of all Services. The DODRDB will not include strategic forces or any other forces identified for exclusion by the Chairman of the Joint

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Chiefs of Staff, unless otherwise directed by the Secretary of Defense.

(iii) The DODRDB shall serve as the basis for emergency reports under continuity of operations, damage assessment, and residual capabilities, and shall include (but not be limited to) reports through the STARCs required by subsection F.2. of DoD Directive 3020.26.¹⁴

(4) Plan and conduct civil-military training courses and exercises in conjunction with FEMA.

(k) The Commander in Chief, Forces Command; the Commander in Chief, U.S. Atlantic Command; and the Commander in Chief, U.S. Pacific Command, shall:

(1) In accordance with guidance from the DoD Executive Agent communicated through the Chairman of the Joint Chiefs of Staff—

(i) Serve as DoD Planning Agents for MSCA for the areas specified in §185.4(b)(3); and develop MSCA plans and preparedness measures for their MSCA areas of responsibility.

(ii) Ensure cooperative planning for MSCA operations between DoD Components, FEMA, and other Federal or State civil agencies, as required.

(iii) Utilize RMEC teams to assist in plan development.

(iv) Coordinate with the STARCs through channels established by the Secretary of the Army; and utilize liaison officers provided for in DoD Directive 1215.6 and others, as appropriate, to facilitate coordination of emergency planning.

(v) Plan to perform any designated function of the DoD Executive Agent under this part, if ordered by the Secretary of Defense in time of war or attack on the United States.

(vi) Evaluate MSCA plans, preparedness measures, and training in joint civil military exercises.

(2) Furnish MSCA as directed by the DoD Executive Agent. Employ RMEC Teams and liaison officers, as appropriate, to coordinate emergency response operations with civil agencies, the National Guard, the Military Departments and the CINCs.

(3) Furnish assistance to civil authorities in non-declared emergency situations when directed by the DoD Executive Agent.

(1) The Directors of the Defense Agencies shall:

(1) Designate a principal planning agent and regional planning agents for MSCA, and advise the DoD Executive Agent of such designated agents.

(2) Ensure effective and efficient coordination of planning by subordinate elements with Federal Regions, STARCs, and State and local civil authorities, through the DoD Planning Agents, as directed by the DoD Executive Agent.

(3) Furnish resources for MSCA when directed by the DoD Executive Agent.

(4) Make DoD resources available for technical support to the other DoD Components for MSCA, when required.

(5) Respond to requests by the DoD Executive Agent to identify resources for the DODRDB.

(6) Provide representatives to serve on RMEC teams, as requested by the DoD Executive Agent.

§ 185.6 Information requirements.

The reporting requirements in §185.5 are exempt from licensing in accordance with paragraph E.4.b. of DoD 8910.1–M.¹⁵

SUBCHAPTERS J–K [RESERVED]

¹⁴ See footnote 4 to § 185.1(f).

¹⁵ See footnote 4 to § 185.1(f).